

CITY OF NEBRASKA CITY, NEBRASKA  
MINUTES OF CITY COUNCIL REGULAR MEETING  
November 15, 2010

Pursuant to due call and notice thereof, a Regular Meeting of the City Council of the City of Nebraska City was conducted in the Council Chambers at City Hall, 1409 Central Avenue, on November 15, 2010. Notice of the meeting was given in advance thereof by posting in at least three public places, the designated method for giving notice, as shown by the Certificate of Posting Notice attached to these minutes.

Mayor Hobbie called the meeting to order at 6:00 p.m. The Mayor publicly stated to all in attendance that a current copy of the Nebraska Open Meetings Act was available for review and indicated the location of such copy posted in the room where the meeting was being held. Mayor Jack Hobbie led in the Pledge of Allegiance. Upon roll call the following answered present: Brett Gay, Jeff Crunk, Dean Handy, and Mark Mercer. The following City Officials were present: City Administrator Pat Haverty, City Clerk Arnold M. Ehlers, City Attorney William Davis, Police Chief David Lacy and Public Properties Director/Zoning Director Dan Gittinger.

Commissioner Handy moved to approve the minutes of the November 1, 2010, City Council Regular Meeting. Upon roll call the following voted YES: Crunk, Handy, Gay, Mercer and Mayor Hobbie. Voting NO: None. Motion adopted.

Commissioner Mercer moved to pay all claims as presented. Upon roll call the following voted YES: Gay, Crunk, Handy, Mercer and Mayor Hobbie. Voting NO: None. Motion passed.

Mayor Hobbie moved to re-appoint Lou Varley to the Board of Adjustment. Upon roll call the following voted YES: Mercer, Gay, Crunk, Handy and Mayor Hobbie. Voting NO: None. Motion carried.

Mayor Hobbie moved to appoint Michael Borns and Giovanni Vanegas to the Nebraska City Volunteer Fire & Rescue Department. Upon roll call the following voted YES: Gay, Crunk, Handy and Mayor Hobbie. Voting NO: None. Motion carried.

Mayor Hobbie proclaimed the week of November 15, 2010 as Nebraska City Jaycees Family Week.

Pat Haverty reminded the Council that the tree dump would be free of charge for Nebraska City residents through November 20<sup>th</sup> this year. Also, there will be a ribbon cutting for the grand opening of the Memorial Way on Central Avenue at 11:00 a.m. November 20, 2010. The Treasurer reported \$2,395,267.13 funds on hand on October 1, 2010, revenues of \$ 631,340.05 and expenses of \$ 564,492.98 leaving a cash balance on hand on October 31, 2010 of \$ 2,462,114.20. Mayor Hobbie accepted the reports and asked that the written reports be placed on file.

Pat Haverty explained to the Council the problem with legal description contained in Ordinance 2810-10 adopted at the October 4, 2010 meeting. The City Attorney advised that the Ordinance be repealed and a new Ordinance with the correct legal be considered. Commissioner Handy moved to repeal Ordinance 2810-10. Upon roll call the following voted YES: Gay, Crunk, Handy and Mayor Hobbie. Voting NO: None. Motion passed.

Mayor Hobbie introduced Ordinance 2816-10, AN ORDINANCE TO REPEAL ANNEXATION ORDINANCE 2810-10, OF THE CODE OF THE CITY OF NEBRASKA CITY FOR THE REASON THE SAME CONTAINED AN INACCURATE LEGAL DESCRIPTION; AND TO DECLARE AND EFFECTIVE DATE; and moved that the statutory rule requiring reading on three different days be suspended. Commissioner Handy seconded the motion to suspend the rules and upon roll call the following voted YES: Gay, Crunk, Mercer, Handy, and Mayor Hobbie. Voting NO: None. The motion to suspend was adopted by three-fifths of the Council and the statutory rule was declared suspended for consideration of said ordinance.

Said ordinance was then read by title and thereafter Mayor Hobbie moved for final passage of the ordinance, which motion was seconded by Commissioner Handy. The Mayor then stated the question: "Shall Ordinance No. 2816-10 be passed and adopted?" Upon roll call the following voted YES: Gay, Crunk, Handy, and Mayor Hobbie. Voting NO: None. The passage and adoption of said ordinance having been concurred in by a majority of all members of the Council, the Mayor declared the ordinance adopted and the Mayor, in the presence of the Council, signed and approved the ordinance and the

Clerk attested the passage and approval of the same and affixed his signature thereto. A true and correct copy of said ordinance is as follows:

ORDINANCE NO.2816-10

AN ORDINANCE TO REPEAL ANNEXATION ORDINANCE 2810-10, OF THE CODE OF THE CITY OF NEBRASKA CITY FOR THE REASON THE SAME CONTAINED AN INACCURATE LEGAL DESCRIPTION; AND TO DECLARE AN EFFECTIVE DATE.

NOW THEREFORE, BE IT ORDAINED by the Mayor and City Commissioner of the City of Nebraska City, Nebraska:

Section 1. That Ordinance 2810-10 of the Code of the City of Nebraska City, be and the same is hereby repealed.

Section 2. That this ordinance shall take effect and be in force from and after its passage, approval, and publication, as provided by law.

Passed and approved this 15<sup>th</sup> day of November, 2010.

\_\_\_\_\_  
Jack Hobbie, Mayor

Attest:

\_\_\_\_\_  
Arnold M. Ehlers, City Clerk-Treasurer

Mayor Hobbie introduced Ordinance 2817-10 which was read by title only. AN ORDINANCE FO THE CITY OF NEBRASKA CITY, NEBRASKA, TO EXTEND THE BOUNDARIES AND INCLUDE WITHIN THE CORPORATE LIMITS OF AND ANNEX TO THE CITY OF NEBRASKA CITY, NEBRASKA CERTAIN CONTIGOUS AND ADJACENT LANDS OUTSIDE OF THE CITY OF NEBRASKA CITY, OTOE COUNTY, NEBRASKA, AS DESCRIBED IN SECTION 2 HEREOF, AND TO PROVIDE FOR SERVICE BENEFITS THERETO, AND TO PROVIDE FOR AN EFFECTIVE DATE. Motion was made by Commissioner Handy to approve Ordinance 2817-10 on its first reading. Upon roll call the following voted YES: Crunk, Gay, Handy and Mayor Hobbie. Voting NO: None. Motion approved on its first reading.

Scott Miller was present and requested that the City Council vacate 4<sup>th</sup> Avenue between 4<sup>th</sup> Street and 5<sup>th</sup> Street for future improvements to Lourdes Central Catholic Schools. Commissioner Gay moved to vacate 4<sup>th</sup> Avenue between 4<sup>th</sup> Street and 5<sup>th</sup> Street. Upon roll call the following voted YES: Crunk, Handy, Gay and Mayor Hobbie. Voting NO: None. Motion adopted.

Mayor Hobbie introduced Ordinance 2820-10, AN ORDINANCE VACATING 4<sup>TH</sup> AVENUE BETWEEN 4<sup>TH</sup> STREET AND 5<sup>TH</sup> STREET IN THE CITY OF NEBRASKA CITY, OTOE COUNTY, NEBRASKA, RESERVING TITLE TO THE SAME IN THE NAME OF THE CITY OF NEBRASKA CITY; AND TO DECLARE AND EFFECTIVE DATE; and moved that the statutory rule requiring reading on three different days be suspended. Commissioner Handy seconded the motion to suspend the rules and upon roll call the following voted YES: Gay, Crunk, Handy, and Mayor Hobbie. Voting NO: None. The motion to suspend was adopted by three-fifths of the Council and the statutory rule was declared suspended for consideration of said ordinance.

Said ordinance was then read by title and thereafter Mayor Hobbie moved for final passage of the ordinance, which motion was seconded by Commissioner Gay. The Mayor then stated the question: "Shall Ordinance No. 2820-10 be passed and adopted?" Upon roll call the following voted YES: Crunk, Handy, Gay, and Mayor Hobbie. Voting NO: None. The passage and adoption of said ordinance having been concurred in by a majority of all members of the Council, the Mayor declared the ordinance adopted and the Mayor, in the presence of the Council, signed and approved the ordinance and the Clerk attested the passage and approval of the same and affixed his signature thereto. A true and correct copy of said ordinance is as follows:

ORDINANCE NO. 2820-10

AN ORDINANCE VACATING 4<sup>TH</sup> AVENUE BETWEEN 4<sup>TH</sup> STREET AND 5<sup>TH</sup> STREET IN THE CITY OF NEBRASKA CITY, OTOE COUNTY, NEBRASKA, RESERVING TITLE TO THE SAME IN THE NAME OF THE CITY OF NEBRASKA CITY; AND TO DECLARE AN EFFECTIVE DATE.

WHEREAS, Lourdes Central Catholic School has requested that Fourth Avenue between Fourth Street and Fifth Street in Nebraska City, Otoe County, Nebraska, be vacated, and

WHEREAS, because of the surrounding circumstances, the Mayor and City Commissioners of the City of Nebraska City find that the City no longer has a need for said street, and the applicant's request should be and is hereby approved.

NOW THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COMMISSIONERS OF THE CITY OF NEBRASKA CITY, NEBRASKA:

SECTION 1. That 4<sup>th</sup> Avenue between 4<sup>th</sup> Street and 5<sup>th</sup> Street in Nebraska City, Otoe County, Nebraska, be and the same is hereby vacated, and title to such street is hereby reserved unto the City of Nebraska, Otoe County, Nebraska.

SECTION 2. That this ordinance shall be in full force and effect from and after its passage, approval and publication as provided by law.

Passed and Approved this 15<sup>th</sup> day of November, 2010.

\_\_\_\_\_  
Jack Hobbie, Mayor  
Attest:

\_\_\_\_\_  
Arnold M. Ehlers, City Clerk-Treasurer

Pat Haverty outlined the changes in the “Lead Paint Hazard Examination” contract with SENDD and the need to have a corrected contract on file for this and future home rehabilitation grants. Commissioner Handy moved to approve the amended contract with SENDD. Upon roll call the following voted YES: Gay, Crunk, Handy and Mayor Hobbie. Voting NO: None. Motion adopted.

Mayor Hobbie introduced Ordinance 2818-10, AN ORDINANCE TO AMEND SECTION 28-41, OF THE CODE OF THE CITY OF NEBRASKA CITY, NEBRASKA, TO PROVIDE A NEW FEE SCHEDULE FOR THE EXAMINATION OF APPLICANTS AND THE ISSUANCE OF LICENSES UNDER PROVISIONS OF THIS ARTICLE; TO PROVIDE FOR THE REPEAL OF THE ORIGINAL SECTION 28-41 OF THE CODE OF NEBRASKA CITY, AND ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND TO DECLARE AN EFFECTIVE DATE; and moved that the statutory rule requiring reading on three different days be suspended. Commissioner Handy seconded the motion to suspend the rules and upon roll call the following voted YES: Gay, Crunk, Handy, and Mayor Hobbie. Voting NO: None. The motion to suspend was adopted by three-fifths of the Council and the statutory rule was declared suspended for consideration of said ordinance.

Said ordinance was then read by title and thereafter Mayor Hobbie moved for final passage of the ordinance, which motion was seconded by Commissioner Gay. The Mayor then stated the question: “Shall Ordinance No. 2818-10 be passed and adopted?” Upon roll call the following voted YES: Crunk, Handy, Gay, and Mayor Hobbie. Voting NO: None. The passage and adoption of said ordinance having been concurred in by a majority of all members of the Council, the Mayor declared the ordinance adopted and the Mayor, in the presence of the Council, signed and approved the ordinance and the Clerk attested the passage and approval of the same and affixed his signature thereto. A true and correct copy of said ordinance is as follows:

ORDINANCE NO. 2818-10

AN ORDINANCE TO AMEND SECTION 28-41, OF THE CODE OF THE CITY OF NEBRASKA CITY, NEBRASKA, TO PROVIDE A NEW FEE SCHEDULE FOR THE EXAMINATION OF APPLICANTS AND THE ISSUANCE OF LICENSES UNDER THE PROVISIONS OF THIS ARTICLE; TO PROVIDE FOR THE REPEAL THE ORIGINAL SECTION 28-41 OF THE CODE OF NEBRASKA CITY, AND ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND TO DECLARE AN EFFECTIVE DATE.

Now Therefore, Be It Ordained by the Mayor and the City Commissioners of the City of Nebraska City, Nebraska as follows:

Section 1. That Section 28-41 of the Code of Nebraska City, Nebraska, be amended to read as follows:

“Sec. 28-41. Fees.

The following fees shall be charged for the examination of applicants and the issuance of licenses under the provisions of this article: Examination for master plumbers.....

	\$20.00	
(a)	Master plumbers’ license, per year.....	\$35.00
	Penalty for failure to renew within three (3)	
	months of expiration.....	\$ 5.00
(b)	Registration of journeyman plumber.....	\$ 5.00

Section 2. That the original section 28-41 of the Code of Nebraska City, Nebraska, and all other ordinances or parts of ordinances in conflict herewith be and the same are hereby repealed.

Section 3. That this Ordinance shall be effective from and after its adoption, approval, and publication, as provided by law.

PASSED and APPROVED, this 15th day of November, 2010.

\_\_\_\_\_  
Jack Hobbie, Mayor  
Attest:

\_\_\_\_\_  
Arnold M. Ehlers, City Clerk-Treasurer

Mayor Hobbie introduced Ordinance 2819-10, AN ORDINANCE TO ADD A NEW SECTION 14-70, TO THE CODE OF NEBRASKA CITY, NEBRASKA, TO PROVIDE A FEE SCHEDULE FOR THE REGISTRATION TO WORK FOR ELECTRICIANS; AND TO DECLARE AN EFFECTIVE DATE; and moved that the statutory rule requiring reading on three different days be suspended. Commissioner Handy seconded the motion to suspend the rules and upon roll call the following voted YES: Gay, Crunk, Handy, and Mayor Hobbie. Voting NO: None. The motion to suspend was adopted by three-fifths of the Council and the statutory rule was declared suspended for consideration of said ordinance.

Said ordinance was then read by title and thereafter Mayor Hobbie moved for final passage of the ordinance, which motion was seconded by Commissioner Gay. The Mayor then stated the question: "Shall Ordinance No. 2819-10 be passed and adopted?" Upon roll call the following voted YES: Crunk, Handy, Gay, and Mayor Hobbie. Voting NO: None. The passage and adoption of said ordinance having been concurred in by a majority of all members of the Council, the Mayor declared the ordinance adopted and the Mayor, in the presence of the Council, signed and approved the ordinance and the Clerk attested the passage and approval of the same and affixed his signature thereto. A true and correct copy of said ordinance is as follows:

ORDINANCE NO. 2819-10  
AN ORDINANCE TO ADD A NEW SECTION 14-70, OF THE CODE OF THE CITY OF NEBRASKA CITY, NEBRASKA, TO PROVIDE A FEE SCHEDULE FOR THE REGISTRATION TO WORK FOR ELECTRICIANS; AND TO DECLARE AN EFFECTIVE DATE.

Now Therefore, Be It Ordained by the Mayor and the City Commissioners of the City of Nebraska City, Nebraska as follows:

Section 1. That a new Section 14-70 of the Code of Nebraska City, Nebraska, be added which section shall read as follows:

**"Sec. 14-70. Registration Fees.**

The following fees shall be charged for the registration of Electricians to work in the City of Nebraska City:

- (a) Registration to Work, Electrician..... \$35.00
- Penalty for failure to renew within three (3) months of expiration..... \$ 5.00
- (b) Registration of Journeyman Electrician..... \$ 5.00

Section 2. That this Ordinance shall be effective from and after its adoption, approval, and publication, as provided by law.

PASSED and APPROVED, this 15th day of November, 2010.

\_\_\_\_\_  
Jack Hobbie, Mayor  
Attest:

\_\_\_\_\_  
Arnold M. Ehlers, City Clerk-Treasurer

Mayor Hobbie introduced Resolution 2496-10 designating the detour for the next phase of the 11<sup>th</sup> Street widening project. Commissioner Handy moved to approve Resolution 2496-10. Upon roll call the following voted YES: Crunk, Mercer, Gay, Handy and Mayor Hobbie. Voting NO: None. Motion carried. A true, correct and complete copy of said resolution is as follows:

**RESOLUTION NO. 2496-10**

WHEREAS, South Eleventh Street in Nebraska City, Nebraska, will be closed to vehicular traffic from 11<sup>th</sup> Corso to 13<sup>th</sup> Corso during the next phase of the construction of 11<sup>th</sup> Street Widening Project #STPP6218(1),CN12696, and

WHEREAS, because of said closing it is necessary to designate a detour route for vehicular traffic, and

WHEREAS, the streets designated for such detour are 13<sup>th</sup> Corso from 11<sup>th</sup> Street to 10<sup>th</sup> Street; 10<sup>th</sup> Street from 13<sup>th</sup> Corso to 11<sup>th</sup> Corso; 11<sup>th</sup> Corso from 10<sup>th</sup> Street to 11<sup>th</sup> Street; and

WHEREAS, because said detour route will be carrying traffic in both directions, it will be necessary to prohibit parking on both sides of said streets until said detour route is changed through a later Resolution.

NOW THEREFORE, Be It Resolved by the Mayor and City Commissioners of the City of Nebraska City, as follows:

- 1. That "No Parking" signs be erected on both sides of the following Streets for the regulation of traffic, and that said regulation shall be effective for twenty-four hours each day to prohibit parking on said detour route until said detour route is changed by a later Resolution.
- 2. That said signs be erected on both sides of the following streets, to-wit: 13<sup>th</sup> Corso from 11<sup>th</sup> Street to 10<sup>th</sup> Street; 10<sup>th</sup> Street from 13<sup>th</sup> Corso to 11<sup>th</sup> Corso; 11<sup>th</sup> Corso from 10<sup>th</sup> Street to 11<sup>th</sup> Street

Passed and approved this 15<sup>th</sup> day of November, 2010.

Jack Hobbie, Mayor

Attest:

Arnold M. Ehlers, City Clerk-Treasurer

A-1 Locksmith	209.95	Rep	McDonald's	373.75	ROW
Allied Refuse	382.25	Garbage	Mead Lumber	8,324.16	Rep
Am Cemetery	85.00	Dues	Mercer's	278.49	Rep
Anderson Ford	980.21	Equip	Midwest Co-op	675.45	Rep
Arbor Mart	3,129.25	Fuel	Moore Medical	412.82	Med
Atchison Co	60.00	Advert	Mullenax Auto	1,112.74	Rep
AVAC	48.00	Contr	Nationwide	10,577.33	Inv
Baragary Const	2,112.00	Maint	NC Newspress	433.13	Advert
Benefiel Repair	3,815.56	Equip	NC Utilities	6,488.00	Util
Bishop Plbg	10,696.20	Rep	NCS	57.55	Supp
Blue Cross	61.36	Misc	NE Dept Labor	36.00	Contr
Bob's Welding	156.32	Equip	NE Dept Rev	699.97	Sales Tax
Bohl Plumbing	65.92	Supp	NE Salt Grain	1,514.05	Maint
Bound Tree	745.29	Med	NE Sup Court	121.60	Supp
Bremer Agency	100.00	Bond	Nichols, J	221.00	Rec
Broadstreet, W	50.54	Misc	Nichols, L	195.00	Rec
Brown Glass	2,200.00	Cap Ex	North Star Const	11,440.00	Contr
Burns, W	100.00	Misc	O'Reilly Auto	130.06	Rep
Century Lumber	67.04	Supp	Orscheln	165.13	Rep
Cintas	56.75	Contr	Otoe Co Clerk	2,672.64	Contr
Citizen Print	307.50	Supp	Otoe Reg Deeds	68.50	Advert
City of NC	30,675.00	Bond	Paradigm Solut	8,028.00	Med
D&D Comm	466.00	Comm	Payroll	87,157.59	Payroll
DeVorss, T	112.50	Rec	Peterson, J	110.00	Rec
Display Sales	419.00	Supp	Presto-X	75.00	Pest Cont
Don's Johns	100.00	Contr	Purchase Power	400.00	Postage
Dorfman Figure	1,910.00	Supp	Schemmer	1,630.00	Cap Ex
Douglas Tire	572.77	Rep	Schendel Pest	107.00	Pest Cont
Earl May	119.94	Seed	Shell	2,104.07	Fuel
EMS Billing	6,742.78	Contr	Soley, J	19.78	Misc
ESRI	400.00	Maint	Southeast Health	483.00	Med
Galls	287.59	Unif	State Chem Mfg	266.22	Supp
Giittinger, D	88.00	Mileage	Stovall Ind	2,675.00	Rep
Heartland Class	16.95	Advert	Syracuse Medical	102.00	Med
HireRight	50.00	Med	Thurmans	185.00	Equip
Hopkins Auto	226.87	Rep	Tree City Tees	175.93	Supp
Ideal Pure	49.50	Contr	Tri-State Office	427.56	Supp
Jerry's Landsca	290.00	Contr	Two Sisters	225.00	Contr
KNCY	105.04	Advert	Underwriters Lab	1,075.00	Equip
Konica	132.37	Contr	Verizon Wireless	299.93	Tele
Kreifels Electric	45.00	Cap Ex	Viox, A	450.50	Mileage
Landis Engine	47.38	Equip	Warner, R	1,651.00	Rep
Larson Motors	1,231.38	Rep	Watkins	137.88	Rep
LaRue Coffee	119.67	Supp	Wenzl Hardware	13.85	Rep
Linweld	94.53	Med	Wildwood Artists	1,795.87	Contr
Lyman-Richey	709.70	Maint	Wilson Electric	134.75	Rep
Martin Marietta	658.31	Maint	Windstream	2,358.83	Tele
Matheson-Linw	70.35	Med			

Meeting adjourned at 6:24 p.m.

Arnold M. Ehlers, Clerk - Treasurer